

REMARKS/ARGUMENTS

The Examiner indicated that the present application includes claims to the following inventions:

- I. Claims 1-10, drawn to a transducer to excite bending waves in an acoustic radiator and a coupler including rheological material, wherein the coupler is mounted to the transducer, classified in class 381, subclass 412.
- II. Claims 11-27, drawn to a loudspeaker comprising an acoustic radiator adapted to support bending wave vibration, and a window that is mounted over a display, wherein the window is the acoustic radiator and the display is a liquid crystal display, classified in class 381, subclass 388.
- III. Claims 28-33, drawn to a method of making a loudspeaker or producing sound with a mobile terminal device comprising providing means for generating an energy field through a coupler when the mobile terminal device is on a call, and reducing the strength of the electric field when the mobile terminal device is not on a call, classified in class 379, subclass 433.02.

In response to the Restriction and Election Requirement by the Examiner under 35 U.S.C. 121, the Applicant provisionally elects for examination of Group I, claims 1-10. The Applicant traverses the restriction requirements as between Groups I, II, and III. In addition, the Applicant amends claims 11-20, 27-29, and 33 to be more consistent with the nature of the elected invention.

Without asserting or admitting in any way that the Inventions as identified by the Examiner are not patentably distinct, the Applicant submits that the restriction requirement is improper. The search and examination of the Groups can be made without

serious burden. The Examiner must therefore examine the application on the merits. *See* MPEP § 803.01.

Group I is drawn to a transducer assembly, as amended Group II is drawn to a transducer assembly and to a mobile terminal including a transducer assembly, and as amended Group III is drawn to methods of making sound with a transducer assembly and of producing sound with a transducer assembly. The claims of Groups I, II, and III correspond in that they include a transducer to excite bending waves in an acoustic radiator or to create bending wave energy, and include a coupler including rheological material or foam impregnated with rheological material.

The Applicant submits that the examination of the three Groups should be performed together, as the search for these claims will all be done concurrently and the effort for the Examiner to examine all of these claims is not unduly burdensome as compared to examining one of the Groups.

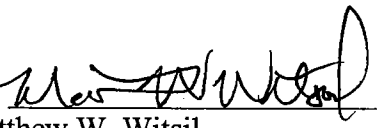
CONCLUSION

As discussed, the search and examination of the claims in the Groups set forth above does not pose a serious burden to the Examiner. In contrast, the cost to the Applicant of pursuing the numerous Groups is substantial. If the Examiner has any questions about the present Response or anticipates final restriction that rejects the traverses made herein, a telephone interview is respectfully requested.

Respectfully submitted,

Matthew J. Murray

Date: 27 June 2006

By: 
Matthew W. Witsil
Registration No. 47,183

Moore & Van Allen PLLC
430 Davis Drive, Suite 500
P.O. Box 13706
Research Triangle Park, NC 27709
Telephone: (919) 286-8000
Facsimile: (919) 286-8199